

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18926-18975

[Approved by the Secretary of Agriculture, Washington, D. C., June 8, 1932]

18926. Misbranding of Germozone. U. S. v. 11,142 Packages of Germozone. Default decree of condemnation, forfeiture, and destruction. Motion for release of product under bond dismissed. (F. & D. No. 26733. I. S. Nos. 13211, 13212, 13213, 13214. S. No. 4834.)

The labeling of the drug product Germozone contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. The name "Germozone" implied that the article contained ozone, whereas it contained no ozone.

On July 8, 1931, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 gallon bottles, 4 dozen half-gallon bottles, 460 dozen 4-ounce bottles, 130 dozen 32-ounce bottles, and 330 dozen 12-ounce bottles of the said Germozone, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Geo. H. Lee Co., from Omaha, Nebr., on or about February 19, 1931, and had been transported from the State of Nebraska into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride, aluminum sulphate, potassium permanganate, potassium chlorate, and water. Ozone was not present.

It was alleged in the libel that the article was misbranded in that the statement "Germozone," borne on the label, was false and misleading in that the said statement implied that the article contained ozone, whereas it contained no ozone.

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Cartons containing 4-ounce and 32-ounce bottles) "Germozone * * * Also for Swine Necrotic Enteritis (Necro) and other intestinal disorders. Horses and Cattle Forage and Mould Poisoning * * * Sheep Fungus Poisoning and Scours * * * Use Germozone for Sore Mouth, Sore Eyes, Sores * * * Canker, Thrush, Cracked Heels, * * * You will be surprised at its effectiveness. * * * for Fowls Roup, Bowel Complaint, Canker, Swelled Head, Chicken Pox, Soft Crop, Etc.;" (4-ounce bottle label) "Germozone * * * should be used in the first drink the chicks receive, one teaspoonful to each quart of drinking water. Give for three consecutive days, then three times a week until chicks are six weeks old after that two tablespoonsful or one ounce to each gallon of all drinking water three days of

each week. The regular use of Germozone will minimize the danger of intestinal infections, which are so common the first few weeks of a chick's life, resulting in diarrhoeas and digestive disorders. Germozone has a beneficial action in purifying drinking water and crop contents. * * * For Pet Animals and Birds Give Germozone 3 times a week in drinking water, a teaspoonful to a quart of water. It is especially valuable for singing birds, to keep the throat in order. If sick, give daily to dogs, cats and other pet stock in all drinking water until well; also in bath water to strong purple for skin disorder. * * * For Roup, Cold in the Head, eyes swelled or watery, one teaspoonful of Germozone to a half glass of water. Inject into passages of the head through the nostrils, using small syringe or squirt oil can. Also bathe eyes and head and under wings with same solution. Give Germozone in drinking water, two teaspoonfuls to a quart of water. For Bowel Trouble, give in drinking water as above. For Canker, Chicken Pox, Frosted Comb, Sore Head, etc. apply full strength twice daily. * * * For Stock Germozone, given in drinking water two tablespoonfuls to a gallon, purifies the water, cleanses the mouth, throat and stomach, and prevents bowel trouble and many diseases caused by fungus and bacteria in food or drink. * * * For * * * Skin Diseases * * * Germozone is equally effective on Man and Beast;" (12-ounce and 32-ounce bottle labels) "Germozone * * * A Remedy for Certain Disorders of the Skin and Semi-Exterior Mucous Membrane of the Animal Body; A Healing * * * Lotion. * * * Most diseases of poultry are of the mucous membrane—of eyes, nasal passages, mouth, throat and bowels, caused principally by colds and by eating musty, spoiled or infected food; also exterior affections of the skin, face, comb, wattles, etc. In all such cases, use Germozone * * * It is peculiarly and especially adapted to diseases of poultry. See also direction sheet enclosed and 'Lee Way Book.' * * * Germozone is a ready remedy in case of * * * sores and certain forms of skin disease; also for soreness or inflammation of eyes, mouth and throat. Apply diluted, one teaspoonful to a glass of water, except in severe cases or sores and skin diseases; apply full strength or diluted one-half. For disorders caused by fungus poison or impure water, musty or spoiled food, etc., give daily in the drinking water, two tablespoonfuls (one ounce) to each gallon of water. * * * Germozone is equally effective on Man and Beast. Generally used in diluted form unless otherwise directed. See Direction Book with this package. For Pet Animals and Birds Give Germozone three times a week in drinking water, a teaspoonful to a quart of water. It is especially valuable for singing birds to keep the throat in order. If sick, give daily to dogs, cats and other pet stock in all drinking water until well; also in bath water to strong purple for skin disorder. For sore eyes or mouth, bathe with dilute solution of Germozone. * * * For Baby Chicks Directions Germozone should be used in the first drink the chicks receive, one teaspoonful to each quart of drinking water. Give for three consecutive days, then three times a week until chicks are six weeks old; after that two tablespoonfuls or one ounce to each gallon of all drinking water three days of each week. The regular use of Germozone will minimize the danger of intestinal infections which are so common the first few weeks of a chick's life, resulting in diarrhoeas and digestive disorders. * * * Germozone has a beneficial action in purifying drinking water and crop contents; also * * * healing the mucous membrane of crop, gullet, glandular stomach, and intestines—an intestinal antiseptic. Only Healthy Flocks Are Profitable. Keep right on using Germozone. Give it regularly to your growing birds. Give it the year around to your adult fowls. It is just as important to control intestinal infections in adult fowls as in baby chicks. * * * For Poultry For Roup, Cold in the Head, eyes swelled or watery, one teaspoonful Germozone to a half glass of water. Inject into passages of the head through nostrils, using small syringe or squirt oil can. Also bathe eyes and head and under wings with same solution. Give Germozone in drinking water, two teaspoonfuls to a quart of water, or two tablespoonfuls to a gallon. See Direction Book. For Bowel Trouble, give in drinking water as above. Fowls are especially subject to bowel disorders caused by eating musty, spoiled or infected food. Germozone, given three times a week in drinking water, is a desirable preventive. For Canker, Chicken Pox, Frosted Comb, Sore Head, etc., apply full strength twice daily. * * * For Baby Chicks Give Germozone in the drinking water for the first three days, one teaspoonful to a quart or one tablespoonful to a gallon, then every other day. Most of the losses during the first ten weeks are due to diarrhoea and bowel disorders caused by musty, spoiled or infected food.

Germozone is a most desirable preventative;" (half-gallon and gallon bottle labels) "Germozone * * * 'A Remedy for Certain Disorders of the skin and Semi-Exterior Mucous Membrane of the Animal Body; a Healing * * * Lotion.' * * * Most diseases of poultry are of the mucous membrane—of eyes, nasal passages, mouth, throat and bowels, caused principally by colds and by eating musty, spoiled or infected food; also exterior affections of the skin, face, comb, wattles, etc. In all such cases, use Germozone as directed. It is peculiarly and especially adapted to diseases of poultry. See also direction sheet enclosed with each bottle. For Roup, Cold in the Head, eyes swelled or watery, one teaspoonful Germozone to a half glass of water. Inject into passages of head through nostrils, using small syringe or squirt oil can. Also bathe eyes and head and under wings with same solution. Give Germozone in drinking water a teaspoonful to a quart of water. For Bowel Trouble, caused by food infection, give in drinking water as above. For Canker, Chicken Pox, Frosted Comb, Sore Head, etc., apply full strength twice daily. Never administer in feed, milk or slop. * * * Fowls are especially subject to bowel disorders caused by eating musty, spoiled or infected food. Germozone, given twice a week in drinking water, is a desirable preventive. * * * Germozone is a ready remedy in case of * * * sores and certain forms of skin diseases; also for soreness or inflammation of eyes, mouth and throat. Apply diluted, one teaspoonful to a glass of water, except in severe cases or sores and skin diseases, apply full strength or diluted one-half. * * * Germozone, given in drinking water to a light purple color, purifies the water, cleanses the mouth, throat and stomach, and assists in preventing bowel trouble and many diseases caused by fungus and bacteria in food or drink. For * * * Certain Forms of Skin Diseases, etc. Germozone is equally effective on Man and Beast. Generally used in diluted form unless otherwise directed. * * * For Pet Animals and Birds Give Germozone twice a week in drinking water, a teaspoonful to a quart of water. It is especially valuable for singing birds to keep the throat in order. If sick, give daily to dogs, cats and other pet stock in all drinking water until well; also in bath water to a strong purple for skin disorder. For sore eyes or mouth, bathe with dilute solution of Germozone. * * * Germozone is an excellent bowel antiseptic and healing agent, corrective of diarrhoea or excessive looseness of the bowels. For such purpose it is given only in clear drinking water one ounce to a gallon of water, as a first drink in morning before feeding. For 'Necro' Necrotic Enteritis and similar intestinal infections of pigs and hogs, use as follows: Directions for Treating. Shut pigs in a dry lot. Feed soaked oats only, with one quart oil meal added dry, to each bushel of oats. * * * In severe cases, soak the oats in a mixture of 1 pint Germozone to 15 gallons water. This is in addition to the morning drink of Germozone. Do this daily for eight to ten days. Then follow with preventive treatment regularly three times a week. * * * As a preventive measure, give Germozone in water, as above described, three times a week. * * * No great change need be made in the usual feeding method during preventive treatment. Give brood sows the preventive treatment for 30 days before farrowing to eliminate the infection from their intestines and prevent the litter from becoming infected;" (circular accompanying shipment of each size bottle) "Success in Raising Poultry Depends largely on preventing the common troubles—those that are almost sure to come and rob all profits unless really effective means are taken to prevent them—and, if they do come, on stopping them promptly. This leaflet suggests how to prevent, or overcome, Bowel Trouble and Diarrhoea, Roup * * * Bowel Troubles and Simple Diarrhoeas, Roup, Limberneck, and Poisoning from Mouldy Food, Digestive Disorders, and Intestinal Infections. These things in chicks, and also in adult birds, cause heavy losses for poultry raisers. Much more than the incurable and contagious diseases. It is easier and cheaper to prevent these common troubles than to cure them. For thirty years thousands of successful poultry raisers have been preventing them by giving Germozone in the drinking water three times a week to chicks and adult birds. They have very little, or no sickness among their chicks. It is just as valuable for layers. Read about it in the 'Lee Way' Book, especially pages 26 to 29, and get it from your Lee dealer; If no dealer at your point, from our factory;" (blue booklet inclosed in carton with each sized bottle) "Germozone * * * the treatment of disorders affecting skin, scalp and semi-exterior mucous surfaces. * * * For twenty-five years Germozone has been known as 'Germozone.' Many years before that it lived, as a prescription in the practice of an old-time

doctor, famous for his successful treatment of diseases of the skin, and of the mucous membrane of the body cavities. * * * For years it was the dependable medicine in our family and gained such a neighborhood reputation that dozens of people begged or borrowed it for their own home use. * * * after a strenuous battle with Roup, Canker, and Bowel Complaint in my poultry yards. I had tried most everything when all at once the thought came to me that what would prove successful for a human being would surely do the same for a chicken. Putting the thought to actual test proved its correctness, and today Germozone is without a doubt the most effective and popular preventive and remedy of poultry ailments in general use. * * * Germozone is now most used as an internal remedy for Poultry, Domestic Animals, Birds, and Live Stock. Its peculiar properties render it an invaluable intestinal antiseptic, purifying, cleansing and healing the mucous membrane, the irritation, inflammation, or coating of which causes fully 80 per cent of Poultry diseases and very many of the diseases of other Birds and Domestic Animals. Further, in case of Poultry, there must be included the mucous membrane of throat, crop, gullet, glandular stomach and gizzard. * * * Common disorders. Most of the disorders and diseases of chickens and turkeys are surprisingly similar to those affecting the human body. 'Roup' is simply a catarrh or bad cold in the head. 'Swelled Head' is simply the last stage of roup. A chicken cannot blow its nose and clear its head. The nasal passages fill up, become rotten or putrid, and the face and eyes puff out from the accumulation of matter. Bowel trouble starts generally from eating spoiled, musty or rotten food. Grain or meal in damp hoppers, surplus grain left lying for days in litter, bad eggs thrown out, dead animals, etc., all cause trouble. Then, too, there is danger from poisons—salt carelessly thrown out from ice cream freezers, salt fish or pork, rat poison or poisoned rats or mice. Germozone is peculiarly adapted to all of these troubles because it may be administered either externally or internally for poultry, according as the case may require. The Germozone is antiseptic and healing and has the important property of counteracting, in the chicken's crop, much or all of the musty or poisonous matter which would cause trouble later. It also has a regulating effect upon the bowels, and a remarkable cleansing and healing action on torn, irritated, or inflamed mucous membrane of throat, crop, gullet, glandular stomach, and intestines. Many, and in fact, most diseases, including the dreaded Coccidiosis and Tuberculosis, find a more ready lodging or entrance if the passage leading through the body is not in good, healthy condition. This is the reason why we recommend the giving of Germozone in the drinking water of chickens, young or old, three times a week with regularity. * * * It should not be given in all drinking water all the time, except in case of sickness, or after worming, when it may be given in all drink for a week or two. First Signs of Disease. * * * If droppings are soft or fluid, green, very pale or yellowish in color, or if the white tip is absent, then look out for trouble. Give Germozone to all in the drinking water all day for two or three days and then give as directed above—two tablets or two teaspoonsful of liquid Germozone to each quart of water, an ounce (two tablespoonsful) to each gallon of water for half grown or adult fowls. Half as strong for baby chicks. Comb and wattles should be bright red in color. If dark red, black, purple or pale in color, or if white spots or scurf, the chicken is sick or out of condition and needs attention. Generally Germozone is all sufficient, given in the drinking water. * * * Colds. Colds often, and in fact generally, result as an aftermath of bowel trouble. If the bowels are in good order, a chick is not nearly so likely to take cold, even under very adverse conditions. One of the first things to do, therefore, is to give Germozone in the drinking water every day for a week or until this condition is corrected. * * * Roup. Roup is simply a cold in the head that has not been given attention. The watery discharge has become thick matter and this, accumulating for days and perhaps weeks in the nasal passages, becomes foul and putrid and leads up to the condition known as 'swelled head.' It requires the same treatment as for 'colds' given in previous sections, except that it requires much more thorough and extended solution, one teaspoonful or one tablet to a glass of warm water. These must be thoroughly cleaned out, also the cleft in the roof of the mouth and the diseased mucous membrane healed. Repeated applications may be necessary, but it must be done or a cure can not be expected. * * * No use to try

to cure roup and then let the chicken sleep every night with its head in a mass of putrid matter. * * * Canker. Canker is a yellowish coating that appears in the mouth, at the corners of the mouth, on the tongue, or at the opening of the windpipe or trachea. It is very similar to croup or diphtheria and is very contagious. This coating often covers entirely the opening of the windpipe, shutting off the breath and suffocating the chicken. The coating should all be scraped or picked off and Germozone applied full strength using a small brush or feather. Where tablets are used, crush a tablet and dissolve in a teaspoonful of warm water and apply. If thoroughly done, one treatment is usually sufficient. Throat Inflammation. This is generally accompanied by a fiery redness of the throat membrane and often by a frothy accumulation of mucous in the throat, together with a shortness of breath. Chickens that get Germozone regularly seldom have this trouble. * * * Frosted Comb. Frosted or frozen comb, wattles or feet, if discovered at once and before the parts thaw out, should be painted with full strength Germozone and the chicken transferred to a room, not warm but just above freezing. This will often prevent the loss of these parts. Even if the trouble has progressed further, it is well to apply Germozone daily. Limber Neck. Limber neck is really ptomaine poisoning and is the result of eating rotten or spoiled food of some kind, generally dead animals, etc. The chicken twists its neck, either with the head held high or at one side against or near the body, or hanging limp. There is not much chance of a cure in the last stages, but Germozone should be given in the drinking water at once for all the chickens in the same flock, and those that cannot drink should be given two or three teaspoonsful every hour of a stronger solution, a tablet or a teaspoonful to a half glass of water. * * * Bowel Complaint. Diarrhoea or bowel complaint is caused generally by poor food, damp or foul quarters, * * * The cause should always be located and removed, at the same time giving Germozone in the drinking water. White Diarrhoea. White Diarrhoea is a contagious germ disease and is often transmitted by dirty or contaminated eggs to chicks on hatching. Much so-called white diarrhoea in case of young chicks, is not that disease at all, but is simply the result of overheating, or chilling, or too much water, or too much grain food and not enough vegetables. Generally a little Germozone in the drinking water is all sufficient to correct the trouble. * * * Chicken pox. Chicken pox appears as pimples or little sore spots, generally on the face, comb and wattles of chickens. Later they become like scabby warts. The best time to take this in hand is right at the start and paint with full strength Germozone. Separate the sick fowls. Keep separate, and all sore spots well anointed with the Germozone until scabs drop off. Give Germozone in all drinking water. Other Diseases. * * * Blackhead in turkeys is a very contagious and fatal disease and generally attacks the young birds. While it is called blackhead, from the heads turning dark yellow or black it is really a disease of the bowels and liver. Blackhead is much the same as coccidiosis in chickens. Germozone should be given regularly to young turkeys the same as to young chicks as an aid in preventing this disease. * * * There is not much chance of cure except in the early stages. * * * Prevention is the thing. * * * Give Germozone in the drinking water all the time to sick birds, three times a week to others. Germozone an aid to egg production. A hen with rosy red comb, bowels in perfect order, free from the common diseases of roup, colds, etc. * * * Poultry troubles generally start from the bowels, a broken irritated inflamed mucous membrane. * * * Bowel trouble results most often from eating musty or spoiled food. Excess grain in damp litter, feed boxes, etc., soon gets musty or moldy, and that is poison for chickens. A little Germozone in the drinking water at regular intervals is not a medicine in such case, but is a preventive and corrective of such conditions that later cause trouble. We recommend two tablets or two teaspoonsful liquid Germozone to a quart of water, in the drinking water all day two or three times a week, or every day as a last drink at night. (Or an ounce, or two tablespoonsful, to each gallon.) 'Necro' or necrotic enteritis in hogs. Being strictly a disease of the mucous membrane of the intestine, responds readily to treatment with liquid Germozone. * * * Demonstrations on hundreds of farms during the last year have proven very successful. We have special literature fully covering this disease. Send your name for details and method of treatment. Gastritis or Acute Indigestion in hogs yields readily to Germozone treatment. Administer as a drink one-half hour before feeding in the morning, after the animals have been held off feed all night. Use 1 oz. Germozone to each gallon of water. * * * Singing birds are greatly

troubled with sore mouth and throat and a teaspoonful of Germozone to a pint of drinking water two or three times a week relieves this trouble. For rabbits and pet animals. For snuffles, nasal catarrh, etc., spray the passages of the head, through the nostrils, with dilute Germozone, two or three tablets or a teaspoonful of liquid Germozone to a glass of warm water. * * * For Diarrhoea or bowel trouble from musty or spoiled food, use in the drink same as for 'Live Stock.' * * * For Live Stock * * * Germozone is the handiest of handy things to have around for use on stock—horse, cow, sheep, pig, or any other animal—in case of cut, * * * skin disease, loss of hair, canker, sore mouth or eyes, * * * swellings, etc. * * * Give daily in drinking water, to strong pink or light purple color, for bowel trouble or illness from fungus poison in grass, or hay, or from impure water, musty or spoiled food. * * * Treatment * * * sore scalp * * * Sores, Etc. * * * Hives, Itching, Etc., Most any sort of Skin eruption or irritation is relieved * * * This treatment is also valuable in case of chilblains, * * * Sore Feet. For sore, * * * chafed feet, chilblains, blistered toes, etc. * * * Skin Disease. Germozone is a good 'first try' in most any case of skin disease."

Further misbranding of the article was alleged in the libel for the reason that there appeared in the circular accompanying each package of the article the reference, "Germozone * * * Read about it in the 'Lee Way' book and get it from your Lee dealer; if no dealer at your point from our Factory," and on the label of each of a number of the bottles appeared the reference "See * * * Lee Way Book," which reference incorporated as part of the labeling the statements contained in the booklets entitled "The Lee Way," and which were further identified on the front cover page as "A Text Book On The Diseases of Poultry—1931 Edition Published by George H. Lee Co., Omaha, Nebraska," which booklet so referred to and so identified contained the following statements regarding the curative and therapeutic effects of the article which were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Coccidiosis—is a highly infectious disease of the intestines caused by a protozoan parasite at one time extensively known as Coccidium. * * * Treatment * * * Use Germozone at the rate of one tablespoonful in all drinking water the first four days, then every other day. Prevention * * * The action of coccidia destroys the lining of the intestines paving the way for other bacteria to gain ready access into the system and for this reason, Germozone should be used in the drinking water three times a week. * * * Pneumonia—Occurs at any age, but is commonly observed in chicks from 1 to 3 weeks of age. * * * Treatment * * * Give Germozone in all drinking water. * * * Simple Diarrhoeas * * * Treatment—Since the local irritation of these simple diarrhoeas forms excellent breeding places for all kinds of bacteria many of which generate dangerous toxins, the use of an intestinal antiseptic is indicated. Germozone used in the first drink and at least once a day for the first week and after that every other day until the chicks are three weeks of age will, in large measure, prevent these diarrhoeas. * * * Toxemia—is a condition often observed in young chicks due to the absorption of toxins or poisons from the digestive tract. Faulty digestion, musty feed, intestinal parasites and bacteria are among the causes. * * * Treatment * * * Keep digestive tract disinfected by adding one teaspoonful of Germozone to each quart of drinking water. * * * Aspergillosis—Inhalation of spores of certain molds results in their development on the moist warm surfaces of bronchial tubes and air sacs of the lungs. * * * Treatment * * * Germozone in the drinking water, * * * Blackhead—Infectious Entero-hepatitis is the technical name for a disease * * * Treatment * * * Germozone, two ounces to a gallon of drinking water for four days. Then repeat the salts and use Germozone, one ounce to the gallon of drinking water. * * * Coccidiosis * * * Treatment * * * Germozone in the drinking water three times a week. * * * Enteritis—Under this term is included a variety of intestinal disturbances generally resulting in diarrhoea and showing, upon post-mortem examination, an inflammation of the lining of the intestines. This may be due to a variety of causes. * * * Treatment * * * Germozone, one ounce to the gallon of water, should be kept constantly before the flock until the trouble stops. * * * Indigestion—Digestive disorders in birds are frequent, the result of feeding various meat products and ground grains without sufficient green food. * * * Treatment—One half to one teaspoonful of Epsom

Salts dissolved in one-half ounce of warm water to which is added one teaspoonful of Germozone; * * * Use Germozone in all drinking water for 3 or 4 days, then every other day. * * * Leukemia—is a serious, apparently fatal disease of the bloodmaking organs. * * * Treatment * * * Germozone three or four times a week in the drinking water. * * * Paralysis—It is evident that there is more than one pathological condition that may cause a partial paralysis affecting the wings and legs in poultry. * * * Treatment * * * Use Germozone in all drinking water four or five days and thereafter two or three times a week. * * * Roup—Roup is the result of a neglected cold. * * * Treatment * * * Germozone in all drinking water. * * * Germozone * * * the Life Saver! All Chicks Need Germozone. Nowadays most flock owners appreciate the importance of constantly guarding against crop and intestinal infection. It is well known that a very large per cent of the diseases common to poultry are of this origin. Most of the bacteria and germs that cause these infections are taken with the food, picked up from the floor and ground and with droppings and other contamination. Merely purifying the water does not counteract these germs and bacteria. The action of the disinfectant or purifying agent must continue in the crop and intestinal tract. That is why Germozone is so successful and has been such a great favorite with poultry raisers for more than a third of a century. * * * 'Best First Try for Sick Chickens.' Germozone corrects many of the infections, as well—which has given rise to the common expression that Germozone is the 'best try for sick chickens.' That is because Germozone is an antiseptic that is also soothing and healing to the mucous membrane lining affected by the bacteria and germs. But the greatest value of Germozone is in preventing disease from getting a start—which, after all, is much less expensive and so much more satisfactory than correcting disease after it has been allowed to develop. Poultry raisers who use Germozone regularly find that very rarely do they have losses from disease. In fact, many state that they would not try to raise poultry without Germozone. * * * You cannot avoid these germs and bacteria—but with Germozone you can avoid the crop and bowel infection and diarrhoeas that these germs and bacteria so surely bring on. Two teaspoonfuls of Germozone to the quart of drinking water three times a week—such a simple, inexpensive little care! Yet it keeps the crop pure and sweet and guards unceasingly against diarrhoeas and digestive disorders. * * * The successful poultry raisers are those who prevent the common troubles that are so likely to come. Each year increasing thousands of Germozone users save their chicks from this greatest danger. * * * Get Germozone now. * * * Only healthy flocks are profitable flocks. Keep disease away. * * * Save money—and save your birds. Keep Disease Away! Use Germozone in the drink, for all of your flock, all year around. It is just as necessary for half grown and adult fowls as for chicks. * * * Germozone is wonderfully curative in cases of colds, swelled head and other similar ailments of nasal passages. * * * Germozone (a little in the drinking water) two or three times a week. The Germozone has the further advantage of purifying the crop and entire alimentary tract, repairing intestinal damage caused by worms, regulating the bowels of old fowls or chicks. Stop 'Necro' losses with Germozone. If Your pigs are scouring badly and are thin, emaciated and not doing well, they are showing pronounced symptoms of Necrotic Enteritis. Necrotic Enteritis is an intestinal infection, generally believed to be caused by the *Bacillus Necrophorus*. It is very common with swine, recurring annually throughout the principal hog raising regions, and is usually referred to as 'Necro.' * * * The Germozone Treatment * * * mix one ounce of Germozone in a gallon of water, or in larger quantities one pint of Germozone to 15 gallons of water. Give this the First Thing in the Morning as a drink in a clean trough. * * * Germozone attacks the cheesy-like necrotic deposit lining the intestines, causing it to peel or loosen. The soaked oats contain more or less fiber and act as a broom which helps to clear the intestines of the necrotic tissue as it is loosened by the Germozone. Germozone also helps to heal the irritated intestines. One Ohio farmer spent \$4.50 for a gallon of Germozone and saved and marketed \$550.00 worth of pigs that he had been advised to kill and burn. If you are having trouble with Necro give Germozone a trial. Germozone For Live Stock * * * While Germozone is most extensively used for poultry it is especially valuable in treating cases of mold poisoning in cattle, horses, sheep, and other live stock. Germozone for Scours in Calves Germozone has been used for many years in treating Scours in calves and always with splendidly satisfying results. * * * Germozone for Scours in Sheep."

On October 19, 1931, no appearance having been entered in the case except by the George H. Lee Co., Omaha, Nebr., and no claim for the product having been interposed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, the destruction of the goods to be withheld until five days after notice to counsel for intervener. On October 26, 1931, notice having been given as provided in the decree and the time fixed therein having elapsed, counsel for intervener filed a stipulation of costs, an affidavit of ownership, and a motion for an order releasing the goods under bond for relabeling. On November 5, 1931, counsel for the Government filed a motion to strike intervener's claim, motion for order of release and supporting affidavit. On November 19, 1931, an officer of the George H. Lee Co. filed an affidavit in support of the motion for release, but neither denying nor admitting the allegations of the libel, with the exception that affiant admitted that the words "Chicken Pox," appearing in the labeling of the product, constituted a misbranding under the law. On December 30, 1931, the court handed down the following opinion sustaining the Government's motion to strike intervener's motion for release (McCormick, J.):

"United States of America filed its libel of information on July 8, 1931, alleging that the product seized herein was misbranded in violation of the food and drugs act of June 30, 1906. Process issued in accordance with the prayer of the libel and was duly served. Seizure was effected and requisite publication made. The publisher's affidavit was filed. The United States marshal, on August 3, 1931, read the proclamation and the court ordered that default be entered of all parties in interest who had not appeared on record except the George H. Lee Co., and the George H. Lee Co. was allowed 30 days to file a petition in intervention. On September 15, 1931, the court ordered that George H. Lee Co. have until October 1, 1931, to answer. On October 1, 1931, George H. Lee Co. was granted an extension of time to October 15, 1931, to answer or plead. On October 15, 1931, publisher's affidavit of notice of seizure was filed. On October 19, letter of George H. Lee Co., dated October 5, 1931, was filed with leave of court, and the default was ordered entered, upon the motion of proctor for libelant, of all parties in interest who had not appeared of record. Thereupon, upon libelant's offer of proof, the court signed and ordered filed and entered the final decree finding the seizure misbranded within the meaning and intent of the food and drugs act, and ordering the condemnation and forfeiture thereof, and further ordering that the United States marshal destroy the seven thousand six hundred fifty-three packages seized, as provided by law, but not, however, until five days after notice to counsel for the Lee company should have been given. Notice was given as provided in decree and the time therein fixed has elapsed. On October 26, 1931, stipulation for costs was filed herein and Fred E. Peterson, Esq., filed herein an affidavit stating that George H. Lee Co. was the owner of the merchandise seized and desired to execute a bond to effect the release and relabeling thereof on such terms and conditions as the court should adjudge and upon the payment of costs, and filed its motion for order releasing goods to owner and fixing amount of bonds and costs. On November 2, 1931, the hearing on the motion was continued one week. On November 4, 1931, Fred E. Peterson, Esq., filed amended claim and affidavit in support of motion for release of goods. On November 5, libelant filed its motion to strike the motion of George H. Lee Co. for order of release and the affidavit and amended claim and affidavit in support thereof, and likewise filed its points and authorities in support of said motion. On November 9, the motion for the order releasing the goods to George H. Lee Co., and libelant's motion to strike, were before the court, and the hearing thereof was continued for two weeks. On November 19, 1931, there was filed herein the affidavit of Donald J. Burke, an officer of claimant corporation, in support of motion for release of goods. On November 23, the hearing on the motion to strike the motion of George H. Lee Co., and George H. Lee Co.'s motions for release of seizure were continued two weeks. On December 7, 1931, said motions were continued to December 14 for hearing.

"On December 14, 1931, counsel for libelant and counsel for George H. Lee Co., appeared before the court and argued libelant's motion to strike the motion for release filed by George H. Lee Co. and the motion of George H. Lee Co. for release of the seizure for the purpose of relabeling under bond and upon payment of costs. The court being fully advised in the premises and exercising discretion vested in the court under the food and drugs act, on the merits of the controversy presented,

"It is by the court ordered that the motion of George H. Lee Co. for release of goods for the purpose of relabeling under the provisions of the food and drugs act, be and the same is hereby denied.

"And it further appearing that George H. Lee Co., although it had notice of the seizure and the pendency of this action, has suffered a decree of default and of condemnation and forfeiture to be entered herein, good cause appearing therefor,

"It is by the court ordered that the motion of George H. Lee Co. for an order of release of the seizure filed October 26, 1931, and the affidavit in support thereof, filed the same date, and the amended claim and affidavit in support of the motion for release, filed November 4, 1931, be and the same are hereby ordered stricken from the files, and

"It is further ordered, adjudged, and decreed that George H. Lee Co. and Union Indemnity Co. pay to the United States the storage costs from August 3, 1931, to date of entry hereof, to be taxed by the clerk in the sum of \$50.70, and that libellant have execution therefor.

"Exception allowed petitioner, George H. Lee Co."

ARTHUR M. HYDE, *Secretary of Agriculture.*

18927. Adulteration and misbranding of Sozodont liquid. U. S. v. 38 Packages of Sozodont Liquid. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26811. I. S. No. 22842. S. No. 4986.)

Examination of samples of Sozodont liquid having shown that the carton label bore statements representing that the article possessed curative and therapeutic properties that, in fact, it did not possess, also that it was represented to be an antiseptic, whereas it was not, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the interstate shipment herein described, involving a quantity of the product located in San Francisco, Calif.

On July 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 packages of Sozodont liquid, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Hall & Ruckel (Inc.), from New York, N. Y., on or about March 7, 1931, and had been transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of glycerin, borax, soap, alcohol, and water, flavored with volatile oils including menthol and methyl salicylate, and colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," when in truth and in fact the strength of the article fell below such professed standard, since it was not antiseptic.

Misbranding was alleged for the reason that the statement on the carton and bottle label, "Antiseptic," was false and misleading. Misbranding was alleged for the further reason that the statements, "Sozodont Liquid is a good medium for use in massaging the gums. The Gums should be thoroughly massaged to reduce the chances of Pyorrhea. * * * Penetrates The Crevices Where Decay Starts," appearing on the carton label, were statements concerning the curative or therapeutic effects of the article, and were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18928. Adulteration and misbranding of Lavodin. U. S. v. Twenty-four 16-Ounce Packages, et al., of Lavodin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26823. I. S. No. 11161. S. No. 4991.)

Examination of a drug product, known as Lavodin, from the shipment herein described showed that the carton and bottle label and an accompanying circular contained statements representing that the article possessed curative and